

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SANOFI-AVENTIS, etc.,

Plaintiff,

-against-

08 Civ. 11360 (LAK)

THE BANK OF NEW YORK MELLON CORPORATION,

Defendant.

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ORDER

LEWIS A. KAPLAN, *District Judge*.

Defendant moves to dismiss the complaint for failure to state a claim upon which relief may be granted.

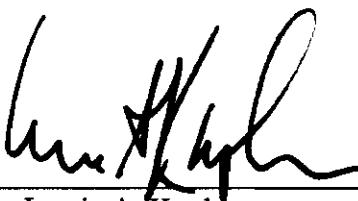
The letter agreement upon which plaintiff's first claim for relief depends is ambiguous. It therefore may not be construed as defendant contends on a motion to dismiss.

The second and third claims for relief are insufficient for the reasons put forth by defendant.

According, defendant's motion to dismiss the complaint [docket item 10] is granted to the extent that the second and third claims for relief are dismissed and otherwise denied.

SO ORDERED.

Dated: June 30, 2009


Lewis A. Kaplan
United States District Judge